

VIRGINIA COMMISSION ON YOUTH

November 20, 2018

1:00 p.m.

**House Committee Room C
Ground Floor, Pocahontas Building**

MEETING MINUTES

Attending:

Senators Barbara Favola, Chair; Dave Marsden
Delegates Richard “Dickie” Bell, Vice-Chair; Mark Keam
Citizen members Avohom Carpenter, Deirdre “Dede” Goldsmith

Attending Electronically:

Senator Charles W. “Bill” Carrico Sr.
Delegates Jay Jones, Chris Peace, Todd Pillion
Citizen Member Chris Rehak

Not Attending:

Delegate Emily Brewer

Commission on Youth Staff Attending:

Amy Atkinson, Will Egen, Kathy Gillikin

I. Call to Order and Opening Remarks

Senator Barbara A. Favola, Chair

Senator Favola welcomed Commission members and meeting participants and asked for introductions. Senator Favola then explained that a few members of the Commission would be participating via telephone: Del. Jones due to demands from his law practice, Del. Pillion due to demands from his dental practice, Del. Peace due to demands from his job regarding a court case, Sen. Carrico due to personal, pressing business, and Chris Rehak due to a family medical issue. Sen. Favola also welcomed a group of students from Longwood University who were attending the meeting.

II. Decision Matrix

Amy M. Atkinson, Executive Director

Senator Favola then introduced Amy Atkinson to go through the decision matrix for the following studies:

- Barriers to Obtaining a Driver’s License for Virginia’s Foster Youth
- Review of the Standard of Proof to Determine a Founded Case of Child Abuse and Neglect

After the presentation of the draft recommendations the Commission heard public comment.

Public Comment:

The following individuals offered oral public comment during the meeting on the Barriers to Obtaining a Driver's License for Virginia's Foster Youth recommendations:

- Valerie L'Herrou, Virginia Poverty Law Center, supports a budget amendment to reimburse foster parents for increases to their premiums.
- Allison Gilbreath, Voices, was supportive of the recommendations, and would additionally like to see foster youth under 18 be able to contract for driver's insurance.
- Donna Sayegh, opposes the overreach of these proposals.

The following individual offered oral public comment during the meeting on the Review of the Standard of Proof to Determine a Founded Case of Child Abuse and Neglect recommendations:

- Donna Sayegh, did not support these recommendations.

The draft and adopted decision matrix can be found on the Commission's website under the November 20 meeting tab. The Commission on Youth approved the following recommendations:

Barriers to Obtaining a Driver's License for Virginia's Foster Youth

Recommendation 1 – Provide funding to support youth in foster care in obtaining their driver's license.

Introduce a budget amendment to increase funding available to local departments of social services to reimburse foster parents and foster youth for increases to their existing automobile insurance premiums that occur because a foster youth in their care has become a licensed driver and to add additional coverage (umbrella policy or the equivalent) that will provide additional liability protection should a licensed foster youth in their care get into or cause a catastrophic accident. Provide funding to the Virginia Department of Social Services to coordinate and administer the driver's licensing program based on best practices from similar programs in other states.

Recommendation 2 – Introduce legislation to address foster parents' concerns about their automobile insurance policies being cancelled because they have foster youth in the household who drive.

Amend § 38.2-2212 of the *Code of Virginia* to require that no insurer shall refuse to issue or renew a motor vehicle insurance policy solely because of policy owner's status as a foster care provider or foster care youth.

Recommendation 3 – Recognize developmental and behavioral challenges.

Support the present policy of DSS, in which the foster parent or private provider, with input from the foster care worker, determines if obtaining a driver's license should be part of a foster youth's transition plan, consistent with the prudent parent standard.

Recommendation 4 – Educate foster parents, private providers, and foster youth on 1) insurance and liability issues; 2) how to navigate DMV’s licensing process; 3) whether funding is available for “Behind the Wheel,” and 4) why getting a driver’s license on time is important for normalcy and a successful transition to adulthood.

Request DSS and/or other agencies develop educational or training materials that educate foster parents, private providers, and foster youth about 1) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); 2) DMV requirements to obtain a learner’s permit and driver’s license; 3) what funding and resources are available to assist in this process, to include paying school lab fees for “Behind the Wheel” or paying a private driving education company; and 4) why getting a driver’s license on time is important for normalcy and a successful transition to adulthood.

Recommendation 5 – Support obtaining a driver’s license as part of the transitional plan for foster care youth.

Request DSS to institute policy or otherwise communicate to caseworkers, foster youth, and foster parents that obtaining a driver’s license before the age of 18 should be an element of consideration in the youth’s transition plan as part of normalcy and should be encouraged when possible.

Standard of Proof to Determine a Founded Case of Child Abuse and Neglect

Recommendation 1 – Training and/or guidance for hearing officers and CPS workers

Hearing officer training

Request DSS hearing officers to undergo CPS new worker guidance training as well as training on forensic interviewing, other best practices, and topics deemed essential to recognizing abuse and neglect. DSS hearing officers shall undergo training within the first 6 months of employment. Further, require continuing education training annually, biennially, or as deemed necessary. DSS shall determine the training requirements.

CPS worker training

Support DSS’s efforts in regards to training on how cases are being overturned due to documentation issues. In this training, request that CPS and DSS appeals division identify procedural and documentation errors that prevent a hearing officer from using their discretion to uphold a founded case in which abuse and neglect occurred.

Update Child and Family Services Manual

Request the Department of Social Services update and clarify the sections on conducting investigations involving public school employees in their chapter on out-of-family investigations in the Child and Family Services Manual.

Recommendation 2 – Complaints of sexual abuse against teachers

Update guidance on sexual abuse

Request the Department of Social Services provide guidance to CPS workers that states that if the act that gave rise to the investigation of abuse and neglect was for any act of sexual exploitation or any sexual act upon a child in violation of the law, then it shall not be deemed to be an act or omission taken in the scope of employment. The local department worker would therefore not apply § 63.2-1511 analysis.

Update guidance and analyze scenarios for application of gross negligence and willful misconduct to sexual abuse

Request the Department of Social Services provide guidance to CPS workers that details the scenarios and appropriate analysis for gross negligence or willful misconduct as it applies to complaints of sexual abuse.

III. Review of Virginia’s Temporary Assistance for Needy Families Program – Workforce Development and Childcare

Amy M. Atkinson, Executive Director

Senator Favola then introduced the TANF study, focusing on workforce development and childcare. Sen. Favola, thanked Kathy Gillikin for assistance to this study. Kathy recently retired from the Department of Social Services and brings expertise in the area of child care.

Ms. Atkinson, to save time during the meeting, requested to skip ahead through staff’s presentation and present the draft recommendations portion of the study only. The draft recommendations will be made available for public comment through Tuesday, November 30, 2018. The presentation and draft recommendations can be accessed on the Commission’s webpage under the November 20 meetings tab.

IV. Family First Prevention Services Act Overview

Carl E. Ayers, Director, Division of Family Services, DSS

Carl Ayers, Director of Division of Family Services of the Department of Social Services, gave a presentation on the *Family First Prevention Services Act*. This act was signed into law as part of the Bipartisan Budget Act in February 2018. This Act reforms the federal child welfare financing streams to provide services to families who are at risk of entering the child welfare system. A new focus is placed on prevention by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training to prevent children from entering the foster care system. These services must be evidenced-based to be eligible for title IV-E reimbursement. This new law seeks to improve the well-being of children already in foster care. The Department of Social Services is leading the charge in implementing Family First. The presentation can be found on the Commission’s website under the November 20 meeting tab.

V. Department of Juvenile Justice Regulatory Oversight of Juvenile Detention Centers
Andrew K. Block, Jr, Director, Virginia Department of Juvenile Justice

Andy Block, Director, Virginia Department of Juvenile Justice, gave a presentation on the Department of Juvenile Justice Regulatory Oversight of Juvenile Detention Centers. This presentation was spurred on by a story that broke in June 2018 in the Associated Press regarding the treatment of unaccompanied immigrant minors in Shenandoah Juvenile Center. In June, Governor Northam ordered a review of the center. Mr. Block reviewed the role of the state DJJ in how it provides oversight over juvenile detention homes. He also went over the timeline regarding the allegations against Shenandoah Valley Juvenile Center. Finally, Mr. Block reviewed recommendations that the Department of Juvenile Justice made to the Board at the September 2018 board meeting, and explained that regulatory updates are now being made as a result. The presentation can be found on the Commission's website under the November 20 meeting tab.

VI. Draft Recommendations on School Resource Officers
Will Egen, Senior Policy Analyst

Will Egen presented the draft recommendations on School Resource Officers. Staff agreed to prioritize recommendations based on public comment and staff work for the December 4th meeting. The draft recommendations will be made available for public comment through Tuesday, November 30, 2018. The draft recommendations can be accessed on the Commission's webpage under the November 20 meetings tab.

VII. Adjourn

The meeting adjourned, and the Commission will have its next meeting on December 4, 2018.